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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1457th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 19 March 2001, at 3 p.m.

Chairman: Mr. SHERIFIS

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 6) (continued)

Seventh to eleventh periodic reports of Bangladesh (CERD/C/379/Add.1)

1. At the invitation of the Chairman, Mr. Mannan and Ms. Jahan (Bangladesh) took places at the Committee table.

2. Mr. MANNAN (Bangladesh), introducing the periodic report (CERD/C/379/Add.1), said that contemporary Bengali culture had been forged by periodic waves of immigration of peoples of diverse origins. However, race was not an issue that impinged on the social outlook of the Bangladeshi people. The Constitution prohibited discrimination on grounds of religion, race, caste, gender and place of birth, and all citizens enjoyed full civil and political rights and equality before the law. On the other hand, large sectors of the population were marginalized by poverty and the Government pursued a policy of affirmative action on behalf of disadvantaged groups.

3. Any law that was inconsistent with the fundamental rights guaranteed in the Constitution was deemed to be void ab initio. The provisions of the Convention could be invoked before the ordinary courts of law since they were in conformity with the existing laws of the land. The Government's recent decision to establish an Independent National Human Rights Commission and the office of Ombudsman would further strengthen the existing legal and institutional framework against possible violations of universally recognized rights. Additional protection against all forms of discrimination was provided by the free media, active domestic and foreign non-governmental organizations (NGOs) and a range of civil society institutions.

4. The 1972 Constitution was based on the ideals for which the people of Bangladesh had fought a war of liberation against a regime that had committed systematic genocide and rape for racial and religious motives. Bangladesh had subsequently acceded to a wide range of international human rights instruments, including the International Labour Organization's (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). It was the only State in South Asia to have signed the Rome Statute of the International Criminal Court.

5. Over 99.5 per cent of the Bangladeshi people were racially and socially homogeneous (report, para. 11). Only 0.45 per cent derived their identity from a separate culture and traditions. Tribal groups, of which there were some 56, had traditionally enjoyed the same legal and administrative protection as the rest of the population. Quotas for the tribal population were guaranteed in public services and in admissions to educational institutions, particularly at the upper levels of the system. The Government had taken special measures to ensure faster economic growth in the areas where they lived. The Government had established a 5 per cent quota and relaxed the age limit for tribal candidates for public-sector employment. It had also lowered educational requirements for higher-level jobs except senior teaching posts.

6. Over 50 per cent of the tribal population lived in the Chittagong Hill Tracts region, which was allocated a far higher proportion of the annual development budget than other parts of the country. Referring to paragraphs 21 and 22 of the periodic report, he said that a total

of 1,135 socio-economic development projects had been implemented in the region between 1976 and 1999. A programme carried out in conjunction with the United Nations Children's Fund (UNICEF), between 1985 and 1995 had focused on the needs of women and children in health, nutrition, water, sanitation and literacy. Under the Government's five-year plan for the period 1995-2000, US$ 35 million had been appropriated for a wide range of projects in the hill districts.

7. Referring to paragraphs 28 to 30 of the report, he said that the integration difficulties experienced by the tribal people living in the south-eastern part of Bangladesh had been peacefully resolved through a negotiated settlement in December 1997, paving the way for more intensive development programmes in the region. The 68-point accord provided for far-reaching affirmative action, support for the political, economic and socio-cultural interests of the hill tribes, and a unique local government system with a Regional Council whose Chairman would be elected from among the tribal population. A separate Ministry for the hill districts had been established to consolidate the rights and promote the interests of the tribal minorities. The Cabinet-level Minister was a veteran tribal leader and a Member of the National Parliament. Under the Chittagong Hill Tracts Regional Council Act of 1998, a 22-member Regional Council headed by an elected tribal representative had been established. A National Task Force comprising the Chairman of the Regional Council, a tribal Member of Parliament and the Chief Whip had been set up to monitor the implementation of the accord.

8. Mr. PILLAI (Country Rapporteur) welcomed the decision to establish an Independent National Human Rights Commission and an office of Ombudsman, which he hoped would soon be implemented; the conclusion of a peace accord with representatives of the hill tribes, affirmative action by the authorities on behalf of the ethnic and religious minorities and the establishment of the separate Ministry for the hill districts. Bangladesh had made remarkable strides in the area of primary education. He noted with satisfaction that the provisions of human rights treaties, including the Convention, were covered by educational curricula. The country's efforts to improve the lot of the rural poor through the introduction of a rural banking system had won international acclaim.

9. In its concluding observations on the previous periodic report of Bangladesh, the Committee had requested specific information on the educational level and representation of ethnic minorities in the administration and in Parliament. As the report contained no information about their representation in the administration, he asked the delegation to make good that omission. A large part of the report consisted of references to constitutional and legal provisions but there was little factual information about their implementation or about administrative measures and remedial action taken or contemplated.

10. Article 28 of the Constitution prohibited discrimination, inter alia on grounds of race. The Committee would welcome more details on how the prohibition was enforced. According to paragraph 17 of the report, individuals could petition the High Court Division of the Supreme Court for protection against racial discrimination. What penalties could be imposed for infringements of article 28 of the Constitution? Paragraph 17 also stated that religious discrimination was punishable under the Penal Code but it made no mention of racial discrimination. He asked the delegation to clarify the legal situation in that regard.

11. The Committee would appreciate a progress report on the implementation of the 1997 peace accord concluded with representatives of the hill tribes, in particular the establishment of the Regional Council and arrangements for elections thereto; the functioning of the land commission; possible resettlement of Bengali settlers outside the Chittagong Hill Tracts; the rehabilitation of returning refugees, especially those who had been unable to recover their land; rehabilitation of internally displaced persons (IDPs) and the work of the IDP task force; and the withdrawal of military camps.

12. While the establishment of the Regional Council was an important step, he would welcome information about the district councils, which could be viewed as more democratic grassroots bodies. No elections had reportedly been held to the Rangamati Hill District Council, the Khagrachari Hill District Council or the Bandarban District Council since their formation in 1989. The populations of those areas had thus been denied their right to nominate representatives to serve on the Regional Council.

13. While complimenting the State party on its role at the international level in combating racism and racial discrimination, he urged it to provide more detailed information about the implementation of article 3 of the Convention within Bangladesh, bearing in mind the Committee's General Recommendation XIX.

14. According to paragraph 33 of the report, no organization that promoted or incited racial discrimination or racial hatred could legally exist in Bangladesh. If such an organization was established, which provisions of the Penal Code could be invoked to prosecute the founders? The sections of the Code cited in paragraph 34 were applicable to acts of violence based on religion. Which sections were applicable to ethnically motivated acts of violence? No practical details were given in the report about the implementation of article 5 of the Convention. It was not enough to cite constitutional and legal provisions.

15. According to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1998/43) to the Commission on Human Rights at its fifty-fourth session, the organizing secretary of the Hill Women's Federation, an organization that campaigned for the rights of indigenous people, had been forcibly taken from her home in the Chittagong Hill Tracts by security personnel before the general elections in June 1996. The Minister of Home Affairs had established a body to investigate the allegation and suggest legal steps to prevent similar incidents in the future. The Committee would be interested to learn about the outcome of the investigation.

16. There had been allegations of arbitrary arrest and detention by the police and security forces in the Chittagong Hill Tracts. According to a recent report by the Observatory for the Protection of Human Rights Defenders, Mr. Sanchay Chakma, an indigenous leader who had participated in the working group of the Commission on Human Rights on a draft United Nations declaration on the rights of indigenous peoples in November 2000, had been arrested without a warrant while holding a public meeting on 12 January 2001. The World Organization against Torture had also reported a number of cases in which arrested and detained persons had been denied access to counsel.

17. The Special Rapporteur of the Commission on Human Rights on religious intolerance had reported (A/55/280/Add.2) an attack on monks in October 1999 which had led to the death of three persons. Buddhist statues had also been damaged. The Committee would be interested in hearing the outcome of the investigation of the incident undertaken by a government commission of inquiry. He also invited comment on the allegation that free rations were distributed in the Chittagong Hill Tracts to Bengali settlers and not to members of the indigenous ethnic population.

18. With regard to the establishment of independent Grameen Courts (rural courts) under the jurisdiction of a government ministry, he drew attention to allegations in a report by the Special Rapporteur of the Commission on Human Rights on torture (E/CN.4/1996/35/Add.1) that local village councils known as "Salish" had sentenced a number of persons to death or to public flogging. As such action was in contravention of Bangladeshi criminal law, the District Magistrate had in one case sentenced the village headman and others to seven years' imprisonment and payment of a fine. What effect did the Grameen Courts have on such village councils?

19. Noting that the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child had commended the Government of Bangladesh on its collaboration with NGOs in addressing the issues with which they were concerned, he expressed the hope that the Bangladeshi authorities would also take advantage of NGO expertise in dealing with ethnic issues.

20. Referring to a recent Asia-Pacific seminar on migrants and trafficking in persons, with particular reference to women and children, he said he would appreciate any information the delegation could provide on the ethnic dimensions of migration and trafficking in Bangladesh.

21. Mr. VALENCIA RODRIGUEZ said that, despite the State party's claims that the population of Bangladesh was homogeneous, it was undoubtedly multiracial, having been a melting pot of races and cultures over the millennia. He stressed the importance of article 28 (1) of the Constitution, which prohibited any discrimination against any citizen of the State on the grounds of religion, race, caste, sex or place of birth, drafted in response to the discriminatory regime in power prior to the independence war of 1971. He would welcome more information on the caste system, which groups were concerned and their socio-economic status. Referring to article 26 of the Constitution, he asked whether any legislation had ever been declared incompatible on the grounds that it did not uphold the principles of non-discrimination and equality. Regarding the statement in paragraph 7 to the effect that, although the provisions of the Convention could be invoked before the courts in Bangladesh, they were not directly enforceable by them or other tribunals or administrative authorities, he asked what the point was of invoking such provisions and who was responsible for enforcing them. Was a special law for the incorporation of the Convention into domestic legislation required?

22. Paragraph 11 of the report referred to pockets of ethnic minorities along the western, northern and eastern borders of Bangladesh. What exactly was meant by the term "pockets"? Were the ethnic minorities in question free to leave those areas for other parts of the country?

23. Referring to article 2 of the Convention, he said that, notwithstanding measures to promote the development of the disadvantaged groups in society, the conditions of certain tribal ethnic minorities were below the national average; hence the need to pursue a positive discrimination policy, including the granting of fiscal privileges and employment, educational and social benefits. With reference to paragraphs 21 et seq., he asked for information on the membership and mandate of the Chittagong Hill Tracts Development Board and on the outcome of its work so far. The December 1997 peace accord was good example of how to overcome problems relating to tribal insurgency. It was to be hoped that the Government would pursue that general policy in favour of the tribal groups and keep the Committee informed of its action.

24. With respect to article 4 of the Convention, he sought clarification regarding sections 295, 295 A, 296, 297 and 298 of the Penal Code which, according to paragraph 13, made religious discrimination punishable under the law. Did those provisions also classify the dissemination of racist propaganda as a punishable offence and prohibit associations which promoted racial or ethnic hatred? It was his understanding that the provisions had not been applied with regard to racial discrimination. Regarding article 5, he recommended that the Government should pursue its policy of encouraging the ethnic minorities to preserve their cultural values. For instance, were the minorities encouraged to keep up their native languages?

25. With reference to paragraph 57 of the report, could any courts or administrative tribunals other than the Supreme Court and the High Court deal with complaints of racial discrimination? He would appreciate more information on the independent Grameen courts (rural courts). Would the decisions of such courts be subject to appeal? There was no mention in the report of the mechanisms for compensating the victims of such discrimination. Referring to article 7 of the Convention, he welcomed government efforts to raise awareness among young people about racial discrimination, the translation into the Bangla language of the Convention and its dissemination along with other human rights material among the ethnic minorities, and the celebration of International Day for the Elimination of Racial Discrimination. However, more work should be done in terms of human rights education for the police and armed forces. In conclusion, he sought further information on the Independent National Human Rights Commission.

26. Mr. BOSSUYT drew attention to contradictory statements in paragraphs 3 and 8 of the report. According to the former, as a result of the intermingling of races over the millennia the categorical distinction of "race" and "ethnic origin" had ceased to exist; but the latter stated that in 1971 the people of Bangladesh had fought a war against widespread discrimination based on race, religion, language and place of birth. If there had been a policy based on racial discrimination 30 years previously, then it was because different races had existed at that time. Why had the situation now changed? With reference to paragraph 24, he asked why, if there were 22 health complexes per 1 million inhabitants in the Chittagong Hill Tracts area, compared with 1 such complex for the same population in the rest of the country, the development of that area in terms of health failed to measure up to the resources available.

27. He would also welcome some further explanation of what was meant by "measures of positive discrimination". Such measures were apparently targeted at disadvantaged groups of society. On what criteria were they classified as being disadvantaged? More importantly, to what extent would such measures be pursued? There must be a limit, because constantly

discriminating in favour of the so-called underprivileged groups would eventually place the rest of the population at a disadvantage, and equality would suffer. A case in point was the scheme whereby tribal students with average marks below 45 per cent were admitted to prestigious medical and engineering colleges, while non-tribal students required marks above 75 per cent (para. 27). While he was in favour of measures such as special courses and fellowships to help tribal students, he would have serious concerns about the competence of qualified doctors and engineers who had been admitted to university in accordance with that scheme. In his view it did not comply with the equal opportunity provisions of the Constitution of Bangladesh. Such measures were, however, justifiable to ensure the adequate representation of certain minorities in politics or in public office, for instance, where criteria other than academic skills were at stake.

28. Mr. THORNBERRY asked whether there were any cases of conflict between customary laws and general law and, in the affirmative, how they were resolved. As a party to ILO Convention No. 169, did Bangladesh recognize the existence of indigenous peoples besides the tribal minorities, in accordance with ILO's definition thereof? In that connection, how frequently was the term "Adivasis" used in Bangladesh law and practice?

29. On what basis had the statistics relating to tribal groups contained in paragraph 11 of the report been compiled? With reference to paragraph 13, he asked whether the hill tribes or other groups followed nature-based religions, whose sacred sites might require protection. He also sought information on arrangements under the Forest Act of 1927, which seemed to place some indigenous groups in a rather precarious position owing to changes to and the cancellation of land leases. Did the Government exercise its prerogatives in that respect with due regard for customary rights, as required by ILO Convention No. 107?

30. He would welcome some clarification regarding the term "post-racial discrimination" (para. 17). Did that mean that there was no racial discrimination in Bangladeshi society or that anti-discrimination guarantees were built into the Constitution? Welcoming the developments described (paras. 20 et seq.) with respect to the Chittagong Hill Tract tribes, he echoed the question by Mr. Valencia Rodriguez on indigenous languages.

31. Mr. de GOUTTES, highlighting the positive aspects of the report, cited the Independent National Human Rights Commission, the institution of Ombudsman and the increasingly important role of NGOs. Would the Independent National Human Rights Commission be involved in drafting periodic reports for international human rights treaty bodies? Had the office of the Ombudsman actually been established? He would also welcome more information on how NGOs cooperated with the Government to combat racial discrimination.

32. Referring to paragraph 5 of the report, he asked whether article 28 (1) of the Constitution also applied to foreign nationals. The Committee needed details of the specific provisions of the Penal Code relating to acts of racial discrimination and the corresponding penalties imposed - the information provided in the report would not suffice (para. 33). He sought further explanation of the special quotas for the tribal minorities with respect to public employment and admission to educational institutions (para. 12).

33. Amnesty International reported that several years after the signing of the peace accord not all of its provisions had been fully implemented. It drew attention to problems relating to the

reintegration of refugees, owing to land disputes, and tensions between different tribal groups who opposed or supported the peace accord. He would welcome some comment from the delegation in that connection. According to information available to the Committee, it appeared that the vast majority of refugees in Bangladesh (21,500) were the Rohingya refugees from Myanmar, who were currently held in two camps in South-east Bangladesh in very poor conditions. What steps was the Government taking to improve their situation, possibly in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR)? Did the Government intend to accede to the relevant international instruments relating to refugees and stateless persons?

34. Mr. TANG Chengyuan said that the settlement of the long-standing dispute between the Government and the inhabitants of the Chittagong Hill Tracts area had laid the foundations for guaranteeing equal rights for all people living in Bangladesh, as enshrined in the Constitution. What steps was the Government taking to implement the provisions of the relevant peace accord?

35. Given that Bangladesh was not party to the Convention relating to the Status of Refugees and the Protocol Thereto, he would welcome information on the measures being taken to protect the rights of refugees and asylum-seekers in the country.

36. Mr. JANUARY-BARDILL sought clarification of the discrepancy between paragraphs 11 and 20 of the report, which referred to the Bangladeshi population both as racially homogeneous and as a mixed racial multiracial composite.

37. Referring to paragraph 31 of the report, she asked why the Government felt it necessary to retain a 5 per cent quota and to relax qualifications for the recruitment of religious minorities in public employment. Was it because the minority groups had less access to education or that their education was of a lower standard? Aside from the relaxation of qualifications, what efforts were made by public bodies to improve their recruitment practices?

38. Mr. DIACONU said that the peace accord between the Government and the Chittagong Hill Tract tribes, providing them with territorial autonomy, was a step in the right direction. Also welcome were the broad-ranging measures to improve the socio-economic development and access to public services for disadvantaged tribal groups. He recognized the need for special measures in education, particularly for admission to university. Similar schemes were under way in some Eastern European countries targeted at the Roma people, without which they would have no access to higher education. It was essential for such minority groups to have their own educated elite.

39. He expressed concern about the State party's legal framework. According to paragraph 7 of the report, the provisions of the Convention could not be directly enforced by the courts, but could be implemented through domestic legislation. Exactly what legislation was that? The report had referred only to the Constitution, once to Act No. XIX of 1973 on International Crimes (Tribunals), and to the Civil and Criminal Procedure Codes, which provided equal rights for all citizens without discrimination. There was neither any specific provision in the Penal Code prohibiting racial discrimination, nor any based on article 4 of the Convention with regard to the prohibition or disbanding of organizations inciting racial hatred. The Penal Code provided

for punitive measures against religious discrimination, but not racial discrimination. He therefore urged the Government to adopt precise legislation against racial discrimination. In addition, if, as stated in paragraph 17 of the report, only the High Court Division of the Supreme Court could enforce the constitutional guarantees against discrimination, that meant one court for 130 million inhabitants. Could the delegation say why the district courts were not thus empowered?

40. He pointed out that there was no such thing as the "post-racial-discrimination societies" mentioned in the report. All societies were vulnerable to the hazards of racial discrimination and they all needed to address the issue and take preventive action.

41. Mr. ABOUL-NASR said that the statement in the report that every citizen of Bangladesh had the right to Bangladesh nationality was confusing; the Arabic language did not differentiate between the two concepts of citizenship and nationality. Was the Bangladeshi situation the same as that of the former Soviet Union, where nationality referred to one's region or place of origin while citizenship was granted to people from any part of the country?

42. The delegation of Bangladesh withdrew.

Draft concluding observations concerning the fifteenth periodic report of Argentina (CERD/C/58/Misc.14/Rev.2, circulated in English only)

43. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that the text before the Committee was an English translation of the draft concluding observations, which had been prepared in Spanish, incorporating Committee members' suggestions.

Paragraphs 1 and 2

44. Paragraphs 1 and 2 were adopted.

Paragraph 3

45. Mr. THORNBERRY proposed that "without papers" should be replaced by "undocumented".

46. Paragraph 3, as amended, was adopted.

Paragraph 4

47. Mr. BOSSUYT proposed that the phrase "should be considered as not in force" should be replaced by "is considered obsolete".

48. Paragraph 4, as amended, was adopted.

Paragraphs 5 to 7

49. Paragraphs 5 to 7 were adopted.

50. Mr. PILLAI suggested that the heading of the following section should be replaced by the traditional heading, "Concerns and recommendations".

51. It was so agreed.

Paragraph 8

52. Mr. DIACONU, supported by Mr. de GOUTTES and Mr. VALENCIA RODRIGUEZ (Country Rapporteur), suggested changing "an indigenous group" to "indigenous groups".

53. Ms. McDOUGALL said that the paragraph should not be included in the context of the Committee's concerns, but rather as a positive aspect, since the Committee was happy that the State party was holding the census and should offer it encouragement.

54. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) observed that while the first part, the plan for a national census, was indeed a positive aspect, the Committee's recommendation was that the census should include updated information on all indigenous groups.

55. The CHAIRMAN suggested that the first part could be placed under "Positive aspects", and the second maintained as a recommendation.

56. Mr. SHAHI agreed with Ms. McDougall. The State party was clearly conducting the census, and that was a positive aspect, the recommendation was superfluous and could be deleted.

57. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that he could accept that solution.

58. Paragraph 8, as amended, was adopted and transferred to the previous section.

Paragraph 9

59. Mr. PILLAI said that, in the first sentence, "Congress" should be mentioned before "the civil service", to avoid giving the impression that it formed part of that service.

60. Mr. FALL suggested that the problem could be solved simply by deleting "particularly".

61. Mr. ABOUL-NASR said that it was his impression that the delegation had provided the information being requested in the first sentence.

62. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) explained that what the Committee was specifically requesting was more detailed information than that supplied.

63. Mr. DIACONU, supported by Mr. FALL and the CHAIRMAN, suggested deleting the third sentence, beginning "This hinders ...".

64. It was so agreed.

65. Ms. JANUARY-BARDILL proposed that the phrase "which would be helpful in determining" in the fourth and fifth lines should be replaced by "on".

66. Paragraph 9, as amended, was adopted.

Paragraph 10

67. Paragraph 10 was adopted.

Paragraph 11

68. In response to a query by Mr. PILLAI, Mr. THORNBERRY suggested that "issues" should be replaced by "decisions".

69. It was so agreed.

70. Mr. THORNBERRY further proposed that to replace "organizing such consultations" in the last line by "facilitating such participation" would make for a stronger recommendation.

71. After a brief discussion in which the CHAIRPERSON, Ms. McDOUGALL, Mr. DIACONU, Ms. JANUARY-BARDILL and Mr. ABOUL-NASR took part, the CHAIRMAN suggested that discussion of paragraph 11 should be deferred so that Mr. Valencia Rodriguez could prepare a draft taking account of the various proposals.

72. It was so agreed.

Paragraphs 12 and 13

73. Paragraphs 12 and 13 were adopted.

Paragraph 14

74. Mr. ABOUL-NASR asked whether the immigrants referred to in the second line were exclusively immigrants from neighbouring countries.

75. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) explained that in both the report and the delegation's replies the emphasis had been placed on immigrants from Peru, Bolivia and Paraguay, countries bordering on Argentina, since the problem of European immigrants had been overcome. However, he was prepared to delete the reference to neighbouring countries.

76. Mr. de GOUTTES suggested that, rather than make such a deletion, the word "primarily" could be inserted before "towards immigrants", thus maintaining the State party's emphasis.

77. Mr. RECHETOV said that he was in favour of retaining the sentence as it stood, because the problems of indigenous persons, who were citizens of Argentina, should not be mixed up with those of immigrants.

78. Mr. ABOUL-NASR pointed out that, with the exception of the indigenous population, everyone in Argentina was a foreigner.

79. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that he endorsed the proposal by Mr. de Gouttes to insert the word "primarily".

80. Paragraph 14, as amended, was adopted.

Paragraph 15

81. The CHAIRMAN said that paragraph 15 seemed to suggest that a penniless immigrant from a European country would have fewer difficulties in meeting the cost of obtaining residence papers than a penniless immigrant from a neighbouring country.

82. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that the paragraph took up concerns expressed by the Catholic Church, which had stressed that persons from neighbouring countries looking for work in Argentina were in a difficult situation. Presumably indigent persons from all countries would encounter the same difficulties, which was why the word "primarily" was used.

83. Mr. FALL said that, as paragraph 15 suggested that it was primarily persons from neighbouring countries who had difficulties immigrating, it was not clear that article 25 of the Constitution, referred to in paragraph 4, was no longer in force. If the Committee was not absolutely certain that article 25 had been repealed, it should not refer to it. He also thought that the Committee went too far in calling upon the State party to offer advice free of charge.

84. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that, as far as he recalled, the Argentine representative had merely stated his opinion that article 25 could be considered to be no longer in force; hence the wording of paragraph 4.

85. The CHAIRMAN said that, as it was not clear whether it was a fact that article 25 should be considered as not in force or an assertion by the Argentine representative, it might be wiser to defer consideration of paragraph 15 until the end.

86. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that it might be simpler to delete paragraph 15 altogether.

87. Mr. de GOUTTES said that, as he understood it, it was paragraph 4 that should be deleted. If the Committee was not certain about whether article 25 of the Constitution had in fact been repealed, all that remained of paragraph 4 was the reference to the constitutional ranking of the Convention, which was not so important that it needed to be stressed, whereas paragraph 15 was useful and should be retained.

88. Mr. FALL said that the Committee could not regard such an important article as being repealed merely on the strength of the Argentine representative's opinion. He agreed with Mr. de Gouttes that it would be preferable to delete paragraph 4 and retain paragraph 15, which addressed an important problem.

89. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that, after hearing the comments by Mr. de Gouttes and Mr. Fall, he agreed that paragraph 4 should be deleted.

90. Paragraph 4 was deleted and paragraph 15 was adopted.

Paragraph 16

91. Paragraph 16 was adopted.

Paragraph 17

92. Mr. RECHETOV suggested rewording the last line to read "should be given to the prevention of discrimination".

93. Mr. DIACONU pointed out that the reference to the dissemination and implementation of the Convention was related to the recommendation on courses and seminars. He did not see how the idea of prevention tied in. The last sentence should be retained as it stood. But the reference in the second line to police brutality had nothing to do with the Convention, and he therefore proposed adding, after "on a variety of pretexts", the words "on grounds of race, colour or ethnic origin".

94. Mr. ABOUL-NASR suggested deleting the words "throughout the country" in the second line, which were too strong.

95. Paragraph 17, as amended, was adopted with minor drafting changes.

Paragraph 18

96. Ms. McDOUGALL suggested recasting paragraph 18 to say that the Committee "recommends that effective steps be taken to expand INADI's capacity to examine complaints of racial discrimination from all regions in the country".

97. Mr. RECHETOV said that Ms. McDougall's proposal would change the meaning of the text. He was in favour of retaining the text as it stood, apart from adding the word "situation" at the end.

98. Ms. McDOUGALL said she thought that the issue in paragraph 18 was one of capacity. If it was one of legal jurisdiction, then she took Mr. Rechetov's point.

99. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that, as he recalled it, the Argentine delegation had said that, owing to administrative and financial difficulties, INADI had been unable to cover the entire national territory and that therefore groups of lawyers would be assigned to various parts of the country. That was the situation being addressed in the paragraph. He could go along with Mr. Rechetov's proposal.

100. Paragraph 18, as amended, was adopted with minor drafting changes.

Paragraph 19

101. Paragraph 19 was adopted.

Paragraph 20

102. Mr. RECHETOV proposed deleting paragraph 20.

103. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that paragraph 20 could be deleted, but that a similar recommendation had been included in paragraph 13 of the Committee's concluding observations on Iceland (CERD/C/Misc.16/Rev.2).

104. Mr. DIACONU said that the paragraph had been included in the concluding observations on Iceland because that country had a legislative system which created statelessness. Such a reference should be included only if the laws on nationality in Argentina had a similar effect.

105. Mr. ABOUL-NASR said he thought that the reference should be deleted. The Committee was dealing with its Convention; it could not ask States to comply with other instruments.

106. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said he did not think that the situation in Argentina was exactly the same as that in Iceland on that question.

107. Paragraph 20 was deleted.

Paragraph 21

108. The CHAIRMAN said he was in favour of employing the usual phraseology and asking that the Committee's concluding observations be "widely" disseminated.

109. Paragraph 21, as amended, was adopted.

Paragraph 22

110. Mr. FALL suggested replacing the word "urges" in the second line by "encourages" and deleting the word "promptly".

111. Paragraph 22, as amended, was adopted.

Paragraph 23

112. Paragraph 23 was adopted.

Paragraph 24

113. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that paragraph 24 had been amended to take into account Mr. Bossuyt's proposal on reporting procedures (CERD/C/58/Misc.12/Rev.3) and now read: "The Committee recommends that the State party's

next periodic report, due on 4 January 2002, be an updating report and that it address the points raised in the present observations". The report which the Committee had considered should have been submitted on 4 January 1998 and the report thereafter on 4 January 2000. Hence, the next report should be due on 4 January 2002.

114. Mr. DIACONU said that the Committee was not following Mr. Bossuyt's proposal, which was to count from the date of consideration of the previous periodic report, not the date of its presentation. One year would not have elapsed between the date of consideration of the report and 4 January 2002. The deadline should therefore be 4 January 2004.

115. The CHAIRMAN said that Mr. Valencia Rodriguez might wish to consult with Mr. Bossuyt and arrive at a decision, taking Mr. Diaconu's proposal into account.

116. It was so agreed.

Paragraph 11 (continued)

117. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that the recast version of paragraph 11 read as follows: "The Committee notes with concern that, although progress has been made to consult with indigenous peoples to participate in decisions which affect them with a view to securing their agreement, there are still situations where consultation and participation do not occur. The Committee recommends that the State party find ways and means to facilitate such participation".

118. Paragraph 11, as amended, was adopted.

119. The draft concluding observations on the fifteenth periodic report of Argentina, as a whole, as amended and subject to a decision on paragraph 24, were adopted.

The meeting rose at 6.15 p.m.